THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

DATED: 02-09-2005

WRIT PETITION Nos.19511 and 19512 of 2005

WP.No.19511 of 2005

N.Neela Sailaja . . .Petitioner

And

N.T.R.University of Health Sciences and another. . .Respondents

WP.No.19512 of 2005

S.Anasuya . . .Petitioner

And

N.T.R.University of Health Sciences and another. . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION Nos.19511 and 19512 of 2005

COMMON ORDER:

The petitioners challenge the proceedings dated 27-01-2005 issued by the first respondent. Both of them appeared in the final year examination of M.B.B.S. in October, 2004. On the ground that the Flying Squad of the University collected some objectionable material from them, their results were withheld and proceedings were initiated. Through the impugned proceedings, the first respondent debarred the petitioners from appearing in the examination for a period of one year.

Heard the learned counsel for the petitioners and the learned counsel for the

respondents.

Identical orders passed against the students, similarly situated as the petitioners, were the subject matter of Writ Appeal Nos.643 and 651 of 2005. Through its order dated 25-03-2005, a Division Bench of this Court took the view that once the Disciplinary Committee had recorded findings to the effect that the appellants therein did not resort to any acts of copying, there was no justification for imposing the penalty. The order of the Division Bench is said to have been upheld by the Supreme Court.

The minutes of the Disciplinary Committee, dated 17-01-2005, which dealt with the cases of as many as 24 students including the petitioners and the appellants in W.A.Nos.643 and 651 of 2005, discloses that the petitioners were found not guilty of resorting to any malpractices. Therefore, the petitioners stand on the same footing as to the appellants in the Writ Appeals.

Following the same, the writ petitions are allowed and the orders dated 27-01-2005 passed against the petitioners are set aside. The respondents are directed to declare the results of the petitioners forthwith and permit them to pursue remaining part of the course.

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(L.NARASIMHA REDDY, J)

2nd SEPTEMBER, 2005.

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